

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on January 28, 2011 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Lynda Moss (D)

**Members Excused:** Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 217, 1/21/2011

Executive Action: SB 114-Tabled, SB 147-Tabled, SB 15-Do Pass as Amended; Ex.  
Act suspended until revised F/N

**HEARING ON SB 217**

**Opening Statement by Sponsor:**

00:02:10 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 217, Revise award of costs to enforce constitutional right-to-know.

**Proponents' Testimony:**

00:03:57 John Barrows, Executive Director, Montana Newspaper Association (MNA)  
**EXHIBIT(jus22a01)**

00:14:10 Al Smith, Montana Trial Lawyers Association (MTLA)

00:16:27 Jan Anderson, Editor/Publisher, Boulder Monitor Newspaper and Jefferson County Courier Newspaper

00:21:28 Tim Ravndal, Lewis and Clark Conservative Tea Party

**Opponents' Testimony:**

None

**Informational Testimony:**

00:23:59 Mark Murphy, Montana County Attorneys Association (MCAA)

00:26:35 Sheryl Wood, Associate Director, Montana Association of Counties (MACo)

(Vice-Chairman Shockley ruled Ms. Wood as an Opponent)

**Questions from Committee Members and Responses:**

00:28:27 Sen. Shockley

00:28:45 Mr. Barrows

**Closing by Sponsor:**

00:30:17 Sen. Murphy

**Committee Discussion:**

00:32:40 Sen. Murphy

00:33:09 Sen. Shockley

**EXECUTIVE ACTION ON SB 114**

00:33:18 **Motion:** Sen. Hinkle moved that **SB 114 DO PASS.**

**Discussion:**

00:37:31 Sen. Larsen  
 00:40:02 Sen. Shockley  
 00:43:18 Sen. Hutton  
 00:45:30 Sen. Blewett  
 00:46:41 Sen. Murphy  
 00:47:51 Sen. Hinkle  
 00:48:09 Sen. Jent  
 00:52:21 Sen. Shockley  
 00:53:00 Sen. Augare  
 00:54:02 Sen. Moss  
 00:56:03 Sen. Murphy

00:56:55 **Vote:** Motion failed 4-7 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Peterson and Sen. Vincent voted by proxy.

00:58:03 **Motion/Vote:** Sen. Shockley moved that **SB 114 BE TABLED AND THE VOTE REVERSED**. Without Objection, motion carried.

**EXECUTIVE ACTION ON SB 15**

00:58:41 **Motion:** Sen. Jent moved that **SB 15 DO PASS**.

00:59:46 **Motion:** Sen. Jent moved that **SB 15 BE AMENDED**.  
[EXHIBIT\(jus22a02\)](#)

**Discussion:**

01:01:30 Sen Shockley

01:02:08 **Motion/Vote:** Sen. Jent moved **TO SEGREGATE PARAGRAPH #1 FROM REST OF AMENDMENT**. Motion carried unanimously by roll call vote. Sen. Peterson and Sen. Vincent voted by proxy.

(Sen. Shockley absent from room)

01:03:33 **Motion/Vote:** Sen. Jent moved **SEGREGATED PARAGRAPHS (REMAINING) 2 THROUGH 4 DO PASS**. Motion carried unanimously by roll call vote. Sen. Peterson and Sen. Vincent voted by proxy.

(Sen. Shockley returned to room)

01:05:33 **Motion:** Sen. Jent moved that **SEGREGATED PARAGRAPH 1 DO PASS**.

**Discussion:**

01:07:58 Sen. Shockley

01:09:45 **Vote:** Motion failed 5-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Peterson and Sen. Vincent voted by proxy.

01:10:26 **Motion:** Sen. Shockley moved that **SB 15 DO PASS AS AMENDED.**

**Discussion:**

01:10:33 Sen. Jent

01:11:21 Chairman Murphy suspended Executive Action on **SB 15 DO PASS AS AMENDED**-revision of Fiscal Note.

**EXECUTIVE ACTION ON SB 147**

01:11:53 Sen. Moss

01:12:55 **Motion:** Sen. Larsen moved that **SB 147 DO PASS.**

**Discussion:**

01:13:06 Sen. Shockley

01:13:38 **Motion/Vote:** Sen. Moss moved that **SB 147 BE AMENDED.** Motion carried 9-2 by roll call vote with Sen. Shockley and Sen. Murphy voting no. Sen. Peterson and Sen. Vincent voted by proxy.

**EXHIBIT(jus22a03)**

01:15:42 **Motion:** Sen. Shockley moved that **SB 147 DO PASS AS AMENDED.**

**Discussion:**

01:15:52 Sen. Larsen

01:16:22 Mark Murphy, MCAA

01:18:21 Sen. Shockley

01:18:49 Mr. Murphy

01:20:38 Sen. Augare

01:21:51 Sen. Jent

01:25:30 Sen. Shockley

01:26:08 **Vote:** Motion failed 5-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Peterson and Sen. Vincent voted by proxy.

01:26:53 **Motion/Vote:** Sen. Shockley moved that **SB 147 BE TABLED AND THE VOTE REVERSED.** Without Objection, motion carried.

**ADJOURNMENT**

Adjournment: 10:27 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT**([jus22aad.pdf](#))